

Notice of Allowability

Application No.

10/647,971

Examiner

Jaworski Francis J.

Applicant(s)

NAIR ET AL.

Art Unit

3737

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to interview 1/25-26/06.

2. ☒ The allowed claim(s) is/are 22-24, 26-43 and 45.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

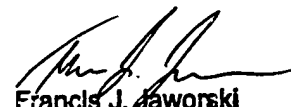
5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 012606.

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____


Francis J. Jaworski
Primary Examiner

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Todd Fitzsimmons, Reg. No. 44,683 on January 25, 26 2006.

The application has been amended as follows:

Claims 1 – 21, 46 – 48 have been cancelled.

Claim 22 has been amended by insertion after " said second image " in line 13, – said step of identifying at least one further landmark comprising applying a morphometric algorithm to align the at least one landmark of said second image to substantially match the at least one landmark of said first image --.

Claim 25 has been cancelled.

Claim 26 dependency has been changed from " 25 " to – 22 --.

Claim 33 has been amended by the insertion at end-claim -- said characterization application being further adapted to use a morphometric

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algorithm to align the at least one landmark of said second image to substantially match the at least one landmark of said first image -- ;

Claim 44 has been cancelled.

Dependency of claim 45 has been changed from " 44 " to -- 33 --.

The following is an examiner's statement of reasons for allowance:

The term ' characterization application ' in context is understood to pertain to one or more compositing applications resident in the computing device and electrically connected to the database therein, where the computing device may include a remote portion in which a part or whole of the characterization application is resident as per the above definition, see also specification page 7 definition.

Vince et al (US6,200,268) is directed inter alia to a warping or de-ovalizing scaling process to undo the effects of cross-sectional collapse during histologic sectioning. Thereafter the histologic image is matched to the IVUS-derived image by manual operator selection of Cartesian coordinates on the one

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image with machine selection of the corresponding Cartesian coordinate on the companion image, per Fig. 5, with attendant inaccuracies to this process, and therefore a morphometric algorithm which aligns anatomic landmarks between the image types as called for in the vascular characterizing method and as resident in the computing device and electrically connected to the database portion of the analogous system could not be used under this prior regime.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication should be directed to Jaworski Francis J. at telephone number 571-272-4738

FJJ:fjj

01272006



Francis J. Jaworski
Primary Examiner